UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,218	09/21/2001	Michael E. Brown	016295.0697	4097

7590 04/14/2006	**EXAMINER**
Michael R. Barre	BHATIA, AJAY M
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One Shell Plaza	ART UNIT	PAPER NUMBER
910 Louisiana	2145	
Houston, TX 77002-4995	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 August 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _Aug 25, 2005_

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _4/11/06_ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 21 have been considered but are moot in

view of the new ground(s) of rejection. Applicant has filed an RCE 2/16/06. Examiner

contacted applicant on 4/10/06, review of the interview is in attached examiner interview

summary.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-19, and 21are rejected under 35 U.S.C. 102(b) based upon a public use

or sale of the invention. (See MPEP 2133.03(e) and 1504.02)

The dell webpage retrieved (retrieved on) using the Way-Back-Machine an Internet

archive, is treated as evidence of Intent to Offer for Sale, since prices for purchase are

provided for device contained the claimed invention. (see Akron Brass Co. v. Elkhart

Brass Mfg. Co., 353 F.2d 704, 709, 147 USPQ 301, 305 (7th Cir. 1965) and distribution

of price quotations (Amphenol Corp. v. General. Time Corp., 158 USPQ 113, 117 (7th

Cir. 1968))). In addition to document collected from the archive, document

Intent

"When sales are made in an ordinary commercial environment and the goods are

placed outside the inventor's control, an inventor's secretly held subjective intent to experiment,' even if true, is unavailing without objective evidence to support the contention. Under such circumstances, the customer at a minimum must be made aware of the experimentation." LaBounty Mfg., Inc. v. United States Int 'l Trade Comm 'n, 958 F.2d 1066, 1072, 22 USPQ2d 1025, 1029 (Fed. Cir. 1992) (quoting Harrington Mfg. Co. v. Powell Mfg. Co., 815 F.2d 1478, 1480 n.3, 2 USPQ2d 1364, 1366 n.3 (Fed. Cir. 1986); Paragon Podiatry Laboratory, Inc. v. KLM Labs., Inc., 984 F.2d 1182, 25 USPQ2d 1561 (Fed. Cir. 1993) (Paragon sold the inventive units to the trade as completed devices without any disclosure to either doctors or patients of their involvement in alleged testing. Evidence of the inventor's secretly held belief that the units were not durable and may not be satisfactory for consumers was not sufficient, alone, to avoid a statutory bar.). (see MPEP 2133.03(e)(2))

For claims 1-5, 7-19, and 21, the limitation of the claimed invention are taught explicitly in the sighted documentation in the 892 which describe the Dell PowerApp.web and any feature not clearly taught are inherent to the Dell PowerApp.web device. Installation Guides, and Setup and Information Updates provide information as to the functionality and operation of the Dell PowerApp.web. In addition comment posted buy users to a dell listserv indicate that the device on sale is the same as the invention disclosed in the application for patent. At present the claims fail to differentiate from the Dell PowerApp.web, which disclose a system the utilizes the Kick-Start utility at the insertion

of the disk the system is provided with a UID in the same manner as disclosed in the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Examiner has reviewed applicant specification. Applicants specification discloses "there is no need to have a fully functional OS present on the host" this is not equivalent to "host not having an operating system installed thereon" therefore that limitation is not enabled.

Claims 6, 9 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant specification discloses "without regard to whatever data" this does

not provided sufficient support for the limitation "blank" therefore the limitation is not

supported.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a
person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

Claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, and 21 are rejected under 35

U.S.C. 103(a) as being unpatentable over Blumenau (U.S. Patent 6,631,442) in view of

Foster et al. (U.S. Patent 6,378,068 referred to as Foster) and further in view of Gussin

(CD-ROM Professional, August 1, 1995, Volume, 8, Issue 8).

For claim 1, Blumenau teaches, a method for automatically naming hosts in a

distributed data processing system, the method comprising:

receiving a unique identifiers identifier (UID) at a cluster controller from each of a

plurality of hosts in communication with the cluster controller; at least one of the plurality

of host no having an operating system installed thereon; (Blumenau, Col. 23 lines 31-

46, Col. 10 lines 26-44)

receiving user input from a first host among the plurality of hosts; (Blumenau, Col. 22

lines 54-60)

in response to receiving the user input from the first host, associating a first host name

with the UID for the first host; (Blumenau, Col. 22 lines 54-67)

receiving user input from a second host among the multiple hosts; and(Blumenau, Col. 22 lines 54-60)

repeating the operations of receiving replies from hosts, associating host names with UIDs, until each of the multiple hosts has been named, such that the user input dictates the order in which host names are assigned to the multiple hosts. (Blumenau, Col. 22 lines 54-60, it is inherent from the disclosure that since devices are name upon access order is dictated by the order that user access the devices)

Blumenau fails to teach, in response to receiving the UIDs, causing the plurality of hosts to produce ready signals;

after associating the first host name with the UID for the first host, causing the first host to produce a completion signal;

and causing hosts to produce completion signals,

Foster teaches, in response to receiving the UIDs, causing the plurality of hosts to produce ready signals;

after associating the first host name with the UID for the first host, causing the first host to produce a completion signal;

and causing hosts to produce completion signals, (Foster, Col. 52 lines 8-21, it is clear from the disclosure that a signal is produced upon accessing of the device and that signal is completed upon the end of the accessing of the device)

Foster and Blumenau are both in the field of computer host communication

Foster is compatible with Blumenau because Foster disclose feature which integral
parts of a host system, they are interchange able with the existing item the comprises
Bluemenau

It would have been obvious to on of ordinary skill in the art at the time of the invention
was made to combine the naming system of Blumenau with the computer chip
apparatus of Foster it is well known in the art that microprocessors sub components of
larger computer systems and that the use of Foster's microprocessor provides increase
functionality of when communicating with host and increased performance for power
management as in laptops. (Foster, Col. 1 lines 17-30) and (Blumenau, Col. 2 lines 27-
43)

Blumenau-Foster and Gussin are both in the field of systems that utilize Windows
operating system

Gussin is compatable with Blumenau-Foster because Gussin relies upon feature that
are apart of the windows operating system

Blumenau-Foster fails to clearly disclose, the user input comprising notification of the
insertion of a disk within the first host

Gussin teaches, the user input comprising notification of the insertion of a disk within the first host (Gussin, Paragraphs 1, 2 and 3 under the heading Autoplay)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Blumenau-Foster with the methods discussed by Gussin because Gussin discusses the improvements made to the windows over current versions. (Blumenau, Col. 3 line 7-16) and (Gussin, Paragraphs 1-4 at the start of the article)

For claim 2, Blumenau-Foster-Gussin teaches, the method of claim 1, wherein the operation of associating a first host name with the UID for the first host comprises:
in response to receiving the user input from the first host, transmitting data to the first host; and (Blumenau, Col. 22 lines 59-67)
after transmitting the data to the first host, receiving a reply from the first host, such that the first host name is associated with the UID for the first host in further response to the reply. (Blumenau, Col. 23 lines 25-39)

For claim 3, Blumenau-Foster-Gussin teaches, the method of claim 2, further comprising:
providing the cluster controller with a host-name index, wherein: (Blumenau, Col. 23 lines 25-39 and lines 53-62)

the operation of transmitting data to the first host comprises transmitting the host-name

index to the first host; (Blumenau, Col. 22 lines 54-60)

the operation of receiving a reply from the first host comprises receiving an

incremented host-name index from the first host; and (Blumenau, Col. 23 lines 53-60)

the operation of associating a host name with the UID for the first host comprises using

the host-name index to generate the host name to be associated with the UID for the

first host. (Blumenau, Col. 22 lines 54-60 and Col. 23 lines 25-39)

For claim 5, Blumenau-Foster-Gussin, the method of claim 1, wherein the operation of

causing the multiple hosts to produce ready signals comprises activating light emitting

diodes (LEDs) on the multiple hosts to indicate that the multiple hosts are ready to be

named. (Foster, Col. 52 lines 8-14) The same motivation that was utilized in the

rejection of claim 5, applies equally as well to claim 1.

For claim 7, Blumenau-Foster-Gussin teaches, the method of claim 1, wherein the

operation of causing the first host to produce a completion signal comprises

deactivating a light emitting diode (LED) on the first host. (Foster, Col. 52 lines 14-21)

The same motivation that was utilized in the rejection of claim 5, applies equally as well

to claim 1.

For claim 8, Blumenau-Foster teaches, the method of claim 1, wherein the operation of

causing the first host to produce a completion signal comprises producing

Blumenau-Foster-Gussin fail to clearly disclose, an audible signal to indicate that the

first host has been named.

It would have been obvious to on of ordinary skill in the art at the time of the invention

was made to replace the LED of the Blumenau-Foster system with a speaker in order to

provide an audio based feed back because an LED may not be properly visible in a low

light environment and/or to help users with poor or no vision.(Foster Col. 70 lines 33-46)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau-

Foster-Gussin as applied to claims 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19,

and 21 above, and further in view of Nixon et al. (U.S. Patent 6,098,116 referred to as

Nixon).

For claim 4, Blumenau-Foster-Gussin teaches, the method of claim 2, further

comprising: providing the cluster controller with a host-name index and a host-name

root; and (Blumenau, Col. 23 lines 25-39)

causes the multiple hosts to transmit the UIDs to the cluster controller; (Blumenau, Col.

22 lines 54-60)

receives the index in the data from the cluster controller, increments the index, and

transmits the incremented index to the cluster controller in the reply; and(Blumenau,

Col. 23 lines 7-10 and lines 53-60)

the operation of associating a host name with the UID for the first host

comprises using the host-name root and the host-name index to generate the host

name to be associated with the UID for the first host. (Blumenau, Col. 23 lines 25-39)

Blumenau-Foster-Gussin fails to clearly disclose, providing the multiple hosts with auto-

naming logic, wherein: and the auto-naming logic

Nixon teaches, providing the multiple hosts with auto-naming logic, wherein: and the

auto-naming logic (See Nixon Col. 31 line 54 to Col. 32 Line 20)

It would be obvious of one of ordinary skill in the art at the time of the invention to

combine the system of Blumenau-Foster with the method of Nixon because Nixon

provides for programming field devices from a remote location removing the need to be

at the location of the field device. (See Nixon Col. 2 line 2 to Col. 3 line 3) and

(Blumenau, Col. 2 lines 61 to Col. 3 line 3) and (Foster, Col. 1 lines 17-30)

Claims 9-19, and 21 list all the same elements of claims 1-5, and 7-8,in a similar form.

Therefore, the supporting rationale of the rejection to claims 1-5, and 7-8 applies equally

as well to claims 9-19, and 21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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